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EXECUTIVE RESPONSIBILITY IN ILLINOIS¹

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IT is not necessary to point out to an audience of this kind that government is no longer the simple thing it was half a century ago. We have gradually been taking on new functions of government. Merely to preserve order is not the sole end of government in the minds of the American people today, and as government from year to year has taken on new functions it has created new agencies for the discharge of those functions.

The most popular form which that agency has taken in recent years in the state, and perhaps in a lesser degree in the municipalities, has been the commission. When a commission was once established it was related to absolutely nothing else in the state government; it was theoretically responsible to the governor, but it was not articulated with any other branch of the government. Then, when another new activity was invoked, a new commission was organized, or some other form of activity to take its place. That had been going on year after year until in Illinois, at the beginning of 1917, there were something over 125 absolutely independent agencies of government having nothing to do with one another, not related or co-ordinated in any manner. Though each was theoretically responsible to the governor, of course in practice it was impossible for any governor, no matter what his industry, to exercise genuine supervision over this number of agencies. There was of course much overlapping of functions, there was much needless expense, and perhaps worst of all, there was of necessity great inefficiency.

That is the problem we had to meet when our legislature assembled a year ago last January. Fortunately, a very able commission had been at work making a survey of our state government, and they made an admirable report. Taking that report as a basis, we tried to group these more than 125 agencies into a smaller number, putting those that were related to the same general subject

¹Read at the National Conference on War Economy, June 5, 1918.

under one head. We found that nine departments would logically include all of them. Those departments were: finance, trade and commerce, public welfare, public works, labor, mines and minerals, agriculture, public health, and registration and education.

After we had determined upon the number, the question of the form of the departments arose. It is perfectly obvious that it would have required a revision of all the laws of the state unless we simply conferred upon a department, when we decided upon it, all the powers that were possessed by the various agencies which were merged into the department. That we did.

Next, the question arose whether in framing the administrative code we should define by law the functions of heads of bureaus and divisions within a department. I insisted strongly that all the powers in the department should be concentrated in the department head, who, by rules and regulations, not by statute law, should provide exactly what the duties and powers of the subordinate divisions within that department should be. That view prevailed after much discussion. As a result, the head of a department can be held to a strict responsibility, because every subordinate part of that department is absolutely within his control. He can determine by rule and regulation exactly what the duty of every subordinate within the department shall be. If you do not accept that principle, you may have in form a government of departments, but in fact you will have a number of bureaus and divisions which are not responsive to the head of the department. That is exactly what has happened in Washington. You hear frequently that they have ten departments of government down there. They have hundreds, not ten, and for this reason: When Congress creates the Department of War, it does not stop there, but every time it establishes a new bureau in the War Department, it defines precisely and definitely just what the limits of that bureau are, and just what the bureau chief can or cannot do. The result is that the secretary of war is not the head of that department. He simply presides over any number of absolutely independent bodies within that department. The result is that you cannot have responsible government, and our friends in Congress, who are largely lawyers, when they frame a law, get themselves into the mental attitude of a lawyer who is drawing a will, wanting to provide for every conceivable contingency that will arise in the

course of the next two hundred years. The result is, however wise they may be, that red tape becomes absolutely inevitable, and it is not the fault of the administrator but the fault of the legislator that we have so much red tape in government.

It so happens that during the development of perhaps the last half of the last century, the thought that was in men's minds when they framed constitutions and when they framed laws was, "You must prevent some public official from doing something wrong." They were thinking of that all the while, not of putting the public official in a position where he could affirmatively do something good. The ingenuity of man could never work out any scheme by which you can tie men's hands for evil and leave them free for good. You must give power commensurate with the responsibility which you are going to exact. So this administrative code, which we in Illinois adopted a year ago this last winter, had for its first principle the concentration of all the powers in the department in the head of that department. He is supreme, and therefore if I ask him why this has been done, or why the other thing has not been done, he cannot say that it is because he has no power, for he does have power, and therefore must take responsibility.

The other great principle which we put into the code was this, that it is individuals who do things and not bodies of men. We have acquired the habit, of late years, of creating a commission every time something goes wrong. The fact is, and I submit this to you who have had experience in business, that it is the individual who executes all the while, and not a board or a commission. There is no commission anywhere and there never was, and there is no board anywhere and there never was, that did things affirmatively unless it was absolutely dominated by one man, and the only benefit of the rest of them was in an advisory capacity, and if they did not hamper him, the body was fortunate. Now, if that is true, and it is true, I submit to you who have had experience with committees of all kinds, when it comes to administration, since you must rely upon one man anyway, why not appoint him and omit the others? Then he will not be hampered, at least. At the head of each of these nine departments we put a man and not a board nor a commission. We stood by that principle. It is true that there is wisdom in numbers, as we are told, and it is true that the man at the head of any great work likes the

advice of other men. So, meeting your chairman's suggestion of co-operation on the part of citizens with public officials, we created advisory boards with no power to administer, no power to decide unless they were asked by the actual executive head of the department. As a matter of fact they are frequently called into a meeting, their advice is sought for, they have just as much influence, and yet the decision is actually made by the head of the department. We have used these advisory bodies very freely. In that way many of the most eminent people of our state are serving the public, because there are many men whom you can get to work for nothing a year that you cannot get to work for \$2,500 a year. The result is that we have relations with the best thought and the best effort in the different lines of activity.

The department of finance really became the keystone of the structure, and that, in effect, was a new department of state government with us in Illinois. It was given two sets of powers. First, it was authorized to provide for a uniform system of book-keeping, and a system of reports of all the activities of the state, so that it could supervise all accounts rendered by any department. It had the power to ascertain the legality as well as the correctness of any account. It was required to approve of vouchers that should be paid. This department, therefore, was a very important part of the scheme of government that was created by the administrative code.

The next and perhaps most important duty of all that was devolved upon the head of the department was the duty of the preparation of a budget. He was required not only to assemble the estimates and expenditures of the preceding year, but he was given power to require testimony by the head of a department who might make a request, upon the need of that request; in fact, he was given all the power that could be given him under the constitution, to make a thorough and exhaustive investigation into the needs of every department of government.

He also was empowered to establish summary and controlling accounts. He was permitted to require the several departments at the beginning of a year, or before any part of an appropriation theretofore made could be expended, to make analyses month by month of how the head of that department proposed to apportion the amount of money granted to him among the several forms of activity within that department.

Obviously, the department of finance is from the beginning of any fiscal year discharging the duties of a budget commission. Our fiscal year begins on July 1. Our department of finance, then, on July 1 begins in effect the preparation of the budget for the next biennium, because, by virtue of its power of scrutinizing accounts, and of going into accounts, and because of the requirement that it shall approve of vouchers upon appropriations before they are paid, it must day by day be acquiring the information which is required for the initiation and preparation of the budget for the next biennium. Our legislature meets but once in two years, and therefore we appropriate for two years at a time.

Of course we have had no opportunity to submit a budget prepared under this code. We do not know now just how we shall be able to co-operate with the general assembly when we do prepare it. But I think that the disposition of our general assembly is such that if it can be persuaded that a certain course is the right one, it will adopt that course. It must be remembered that our general assembly passed, of its own motion, legislation which abolished something over one hundred and twenty-five commissions, boards and other public officials. It is a good general assembly that will do that.

It has always been an anomaly that the general assembly, a body not charged with the responsibility of expending public money, a body that has had nothing to do with the administration in detail, even if it had all the facilities, independently of the executive, should pass the appropriation bills. The whole theory, since the House of Commons has had power to vote supplies, was that it might be a check upon the arbitrary exercise of power by the executive. It was never assumed that any executive, whether king, president or governor, would expend less money than it was to the interest of the people that he should expend. But appropriations had been made in all self-governing countries by the legislative body in order that there might be a check upon extravagant expenditures by the executive. It ought not to be necessary to guard against the expenditure of too little money by the governor by a constitutional requirement. Yet in order to make the budget which is prepared by the executive absolutely secure, there should be an amendment such as was contained in your rejected New York constitution, providing that the executive budget should be acted upon before any other appropriation bill is considered.

Of course many men believe that a budget is not necessary, because the people are always willing to vote all the money that is required for useful public purposes. I think that is true, but it is human nature that the better you know how much money you are going to have to expend, the more you will get for it. That applies to corporations and public bodies as much as to individuals. Therefore, until you have ascertained what you can reasonably raise, you are not in a position to apportion that money intelligently among the expenditures, and whenever you find a business man who runs away from his balance sheet, you find a business man with a receivership coming very soon. That is what we have been doing with our public expenditures all these years. The mere fact that we are great and rich and powerful makes it all the more important that we do ascertain, and ascertain before we begin to make up a budget, what we ought to expend, and what we reasonably can expend during the following year.

The time has come in this country when we ought to begin to lay down a definite and concrete program for the financing of this war. We know now about how much money we can raise by direct taxation. It ought to be possible, in the light of the experience we have had during these three loans, for the treasury officials and the financial powers of the country to ascertain how much money can be raised from the issue of bonds each year, indefinitely. When that is done the amount will certainly be large enough to finance this war indefinitely, and when the people have reconciled themselves to that, we have gone a long way towards winning the war. In other words, if we find that in addition to what we raise by direct taxation we can safely raise only ten billion dollars a year by the issue of bonds, we shall find that that ten billions, with the other billions that we are raising by direct taxation, will be enough—we will make it enough—to finance this war indefinitely. When we have adopted the principle of universal military service, and when we have adopted a definite and concrete financial program, we shall have served notice upon the people of Central Europe that we are going to fight this war out for the next century, if necessary, and we shall have gone a long way toward winning it.